

01/14/02
JC658 U.S. PTO

01-17-02

Patent

Attorney Docket: 271/056

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 271/056

First Named Inventor: Robert C. Dixon

Prior Application Information:

Serial No. 09/595,557

Examiner: M. Banks-Harold

Art Unit: 2684

Assistant Commissioner for Patents
Box Patent Application
Washington, D. C. 20231

FILING UNDER 37 CFR § 1.53(b)

This is a request for filing for a

continuation divisional continuation-in-part (CIP)

application under 37 CFR § 1.53(b) of pending prior application Serial No. 09/595,557 filed on June 14, 2000, which is a Reissue Application of U.S. Patent No. 5,850,600 which issued December 15, 1998.

Robert C. Dixon, entitled:

Three Cell Wireless Communication System

For CONTINUATION or DIVISION APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied, referenced above, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

I. APPLICATION ELEMENTS ENCLOSED

5 Page(s) of Written Description
7 Page(s) of Claims
1 Page(s) of Abstract
2 Sheet(s) of Drawings formal informal
2 Page(s) of Reissue Application Declaration By The Inventor
1 Page (s) Application By The Inventor, Offer To Surrender Patent
1 Page (s) of Consent to the Reissue By The Assignee
10 Page (s) of Statement Under 37 C.F.R. §3.73(b) with Exhibits A-E attached
Other:

Assignment papers (cover sheet and documents(s))
 An Information Disclosure Statement, PTO 1449, with copies of cited items.
 Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35

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II. FEE CALCULATION

Applicant claims small entity status under 37 CFR 1.27.

BASIC FILING FEE:						\$740.00	
Total Claims	25	-	20	=	5	x \$18.00	\$90.00
Independent Claims	5	-	3	=	2	x \$84.00	\$168.00
Multiple Dependent Claims	\$280	(if applicable)				<input type="checkbox"/>	\$0.00
TOTAL OF ABOVE CALCULATIONS						\$998.00	
Reduction by ½ for Filing by Small Entity.					<input type="checkbox"/>	\$0.00	
Misc. Filing Fees (Recordation of Assignment)						<input type="checkbox"/>	\$0.00
TOTAL FEES DUE HEREWITH						\$998.00	

III. PRIORITY - 35 USC § 119

Priority of application Serial No. _____ filed on _____ in Country is claimed under 35 USC § 119.

The certified copy has been filed in prior U.S. application Serial No. _____ on _____.

The certified copy will follow.

IV. AMENDMENTS

Cancel in this application original Claims _____ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes if no new claims are added in a preliminary amendment.)

A Preliminary Amendment will follow. (Claims added by Amendment must be numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

V. RELATE BACK - 35 USC § 120

Relate back information included in preliminary amendment or specification.
 Please amend the specification as follows:

This is a continuation application of pending prior application Serial No. 09/595,557 filed on June 14, 2000, which is a Reissue Application of U.S. Patent No. 5,850,600 which issued December 15, 1998.

With respect to the prior co-pending U.S. application from which this application claims benefit under 35 USC § 120, the inventor(s) in this application is (are) [37 CFR 1.53(b)(1)]:

the same.
 less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted [see 37 CFR §§1.33(b) AND 1.63(d)(2)]:
[Name(s) of inventor(s) to be deleted]

VI. METHOD OF PAYMENT OF FEES

Attached is a check in the amount of ____.
 Charge Lyon & Lyon's Deposit Account No. **12-2475** in the amount of **\$998.00**.
 Not attached. No filing fee is submitted. [This and the surcharge required by 37 CFR § 1.16(e) can be paid subsequently.]

VII. AUTHORIZATION TO CHARGE ADDITIONAL FEES

The Commissioner is hereby authorized to credit Lyon & Lyon's Deposit Account No. **12-2475** for any over payment of fees and to charge the following additional fees by this paper and during the entire pendency of this application to Deposit Account No. **12-2475**:

37 CFR § 1.16 (Filing fees and excess claims fees)
 37 CFR § 1.17 (Application processing fees)
 37 CFR § 1.21 (Assignment recordation fees)

VIII. POWER OF ATTORNEY & CORRESPONDENCE ADDRESS

The power appears in the original papers in the prior application.
 The power does not appear in the original papers, but was filed on ____ in prior application Serial No. ____.
 A new power has been executed and is attached.

Please send all correspondence to Customer Number 22249:



LYON & LYON LLP
Suite 4700
633 W. Fifth Street
Los Angeles, CA 90071
(213) 489-1600

Please direct all inquiries to Lynn Y. McKernan, at the above Customer Number.

IX. MAINTENANCE OF CO-PENDENCY OF PRIOR APPLICATION

- A petition, fee and response has been filed to extend the term in the pending **prior** application until _____. A copy of the petition for extension of time in the **prior** application is attached.
- A petition for extension of time is being filed in the pending **prior** application. A copy of the petition for extension of time in the **prior** application is attached.

X. ABANDONMENT OF PRIOR APPLICATION

- Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application co-pending with said prior application. At the same time, please add the words "now abandoned" to the amendment of the specification set forth in Item V above.

Respectfully submitted,

LYON & LYON LLP

By:



Lynn Y. McKernan
Reg. No. 41,986

Dated: January 14, 2002

Enclosures

Xircom

Name of Assignee

1365 Garden of the Gods Road, Colorado Springs, Colorado 80907

Address of Assignee

Title of person authorized to sign on behalf of assignee

Assignment recorded in PTO on March 19, 2001, Reel 011638, Frame 0753

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Group Art Unit [Issued Patent]: 2745
)
 Robert C. DIXON) Examiner [Issued Patent]:
) Banks-Harold, M.
 U.S. Patent No. 5,850,600)
)
 Filed: June 16, 1997)
 Issued: December 15, 1998)
)
 For: THREE CELL WIRELESS)
 COMMUNICATION SYSTEM)
)

STATEMENT UNDER 37 C.F.R. §3.73(b)

Sir or Madam:

Attached herewith are documents evidencing a chain of title which establishes that OMNIPOINT CORPORATION is the present assignee of U.S. Patent No. 5,850,600. This patent is a continuation of Serial No. 410,901, filed March 27, 1995, now U.S. Patent No. 5,640,674, which in turn is a continuation of Serial No. 682,050, filed April 8, 1991, now U.S. Patent No. 5,402,413.

Exhibit A is a copy of the original assignment recorded for the grandparent of the present application, Serial No. 682,050, now U.S. Patent No. 5,402,413, which was recorded in the PTO on June 10, 1991 at Reel 5747, Frame 081.

Exhibit B is a copy of the PTO Notice of Assignment Recordation of the above document.

Exhibit C is a copy of the Change of Name and Address of Assignee from Omnipoint Data Company to Omnipoint Corporation recorded for the parent of the present application, Serial No. 410,901, now U.S. Patent No. 5,640,674, which was recorded in the PTO on August 20, 1996 at Reel 8095, Frame 0429.

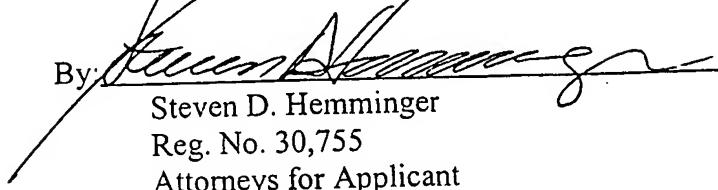
Exhibit D is a copy of the PTO Notice of Assignment Recordation of the above document.

Exhibit E is a copy of the Power of Attorney filed with this reissue application.

Respectfully submitted,

LYON & LYON LLP

By:


Steven D. Hemminger
Reg. No. 30,755
Attorneys for Applicant

Date: June 14, 2000

633 W. Fifth Street, Suite 4700
Los Angeles, CA 90071-2066
Tel. (408) 993-1555
Fax. (408) 287-2664

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:)
Robert C. Dixon) Group Art Unit [Issued Patent]: 2745
U.S. Patent No.: 5,850,600)
Filed: June 16, 1997)
Issued: December 15, 1998)
For: THREE CELL WIRELESS)
COMMUNICATION SYSTEM)

CONSENT TO THE REISSUE BY THE ASSIGNEE

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

OMNIPOINT CORPORATION, assignee of U.S. Patent No. 5,850,600, consents to the
filing of the present application for the reissue of U.S. Patent No. 5,850,600.

Dated: MAY 30, 2000

By: 

David A. Miller
Vice President and Assistant Secretary
OmniPoint Corporation

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:)
Robert C. Dixon) Group Art Unit: 2684
Serial No.: 09/595,557) Examiner: M. Banks - Harold
Filed: June 14, 2000)
For: Three Cell Wireless Communication)
System)

PETITION FOR EXTENSION OF TIME

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to an Office Action mailed on August 13, 2001 for the above-identified Patent application:

Applicant(s) petitions for an extension of time under 37 CFR 1.136 [fees: 37 CFR 1.17(a)-(d)] for the total number of months checked below:

CERTIFICATE OF MAILING
(37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

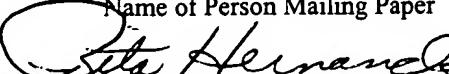
January 14, 2002

Date of Deposit

1

Rita Hernandez

Name of Person Mailing Paper


Signature of Person Mailing Paper

EXTENSION (months)	FEE FOR SMALL ENTITY	FEE FOR OTHER THAN SMALL ENTITY
1 month	<input type="checkbox"/> \$55.00	<input type="checkbox"/> \$110.00
2 months	<input type="checkbox"/> \$200.00	<input checked="" type="checkbox"/> \$400.00
3 months	<input type="checkbox"/> \$460.00	<input type="checkbox"/> \$920.00
4 months	<input type="checkbox"/> \$720.00	<input type="checkbox"/> \$1440.00

An extension for _____ months has already been secured and the fee paid therefor of _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this Request \$400.00

NO ADDITIONAL FEE IS REQUIRED.

A check in the amount of \$400.00 is enclosed to cover the above fee(s).

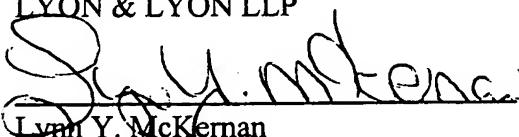
Charge Deposit Account No. 12-2475 in the amount of _____.

The Commissioner is authorized to charge Counsel's Deposit Account No. 12-2475 for any fees required under 37 CFR 1.16, 1.17 and 1.445 that are not covered, in whole or in part, by a check enclosed herewith and to credit any overpayments to said Deposit Account 12-2475.

Respectfully submitted,

LYON & LYON LLP

By:


Lynn Y. McKernan

Reg. No. 41,986

Dated: January 14, 2002

633 West Fifth Street, Suite 4700
Los Angeles, California 90071-2066
(408) 993-1555

U.S. PATENT DOCUMENTS

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